

TESTIMONY OF

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STOP CHILD PREDATORS

for the

MONTANA SENATE

COMMITTEE ON JUDICIARY

House Bill 643

Revising Sexual Predator Laws

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Mr. Chairman and distinguished members of the Committee, my name is Stacie Rumenap and I am the Executive Director for Stop Child Predators. I welcome the opportunity to appear before you to discuss the need for stronger penalties for convicted child sex offenders and to offer my support for House Bill 643. Stop Child Predators commends the Committee for its leadership on this issue and joins you in your concern for the safety of the most vulnerable members of our society, our children.

Stop Child Predators is a non-profit organization designed to prevent the sexual exploitation of children and to protect the rights of crime victims. Stop Child Predators brings together a team of policy experts, law enforcement officers, and community leaders to launch state-by-state campaigns to educate lawmakers and the public about policy changes that will protect America's children from sexual predators. Our model legislation, *The Sexual Offenses Against Children Act*, has been endorsed by the American Legislative Exchange Council as a model to guide the various states as they seek to bring about legislative change. In the last two years, 28 states have enacted various provisions in our model legislation, and it is our hope that Montana will also join us in protecting our children from sexual predators.

The sexual victimization of children is overwhelming in magnitude yet largely unrecognized and underreported. The National Center for Missing and Exploited Children reported that one in five girls and one in ten boys are sexually exploited before they reach adulthood, yet they note that less than 35% of those child sexual assaults are reported to authorities. Worse, the average child sexual predator victimizes anywhere from seven to over 200 victims in his or her lifetime.

Many of these sex offenders are released into society soon after they are convicted. According to the most recent available data from the Justice Department's Bureau of Justice Statistics (BJS), the average sentence imposed on child molesters is seven years and the average offender is released after serving only three of those seven years. This is despite their potential to become repeat offenders. The same BJS study shows that sex offenders are four times more likely than other criminals to be arrested again for a sex crime. Yet we are repeatedly faced with news reports where child offenders have been set free, only to harm innocent children again – children who are vulnerable to victimization as their trusting natures make them perfect targets for perpetrators. It is for reasons such as these that our organization advocates for the passage of Jessica's Law in all 50 states, including 25-year to life mandatory minimum sentences for convicted child sex offenders and the monitoring of offenders once they are released back into our communities.

The U.S. Congress recognized this problem and acted last year, and President Bush signed into law *The Adam Walsh Child Protection and Safety Act*. Named after Adam Walsh who was abducted from a Hollywood, Florida shopping mall just over 25 years ago, this sweeping new law mandates 25-year minimum sentences for sex offenders convicted of sex crimes against children.

While progress has been accomplished, there is still much more to be done.

While the guilty verdict in the trial of John Couey, who abducted, raped, and murdered nine-year-old Jessica Lunsford in 2005 will deliver some justice for Jessica and her family, the fact that Couey was free to commit his crimes in the first place spotlights the need for all states to impose tougher mandatory minimum penalties for those who commit sexual crimes against children.

Couey, a registered sex offender, abducted Jessica from her Homosassa, Florida home on the night of February 23, 2005 and repeatedly sexually assaulted her before stuffing her in garbage bags and burying her alive in a shallow grave behind his home.

Couey's prior criminal record included 24 arrests for burglary, carrying a concealed weapon, and indecent exposure. In 1991, he was arrested in Kissimmee, Florida on a charge of fondling a child under the age of 16. He was convicted of a reduced charge of attempted lewd acts on a child and was sentenced to five years in prison and one year's probation. During a burglary in 1978, he grabbed a young girl in her bedroom, placed his hand over her mouth, and kissed her. He was sentenced to 10 years but was paroled in 1980 after serving only two of the 10-year sentence. At the time of Jessica's murder, Couey had only recently completed his probation period for yet another crime. And while he was a registered sex offender in Georgia, he had not yet registered in Florida where it was well known that he sometimes lived with his sister.

In Idaho, just last year, Joseph Duncan, another registered sex offender who was twice-convicted and twice-released of sexual assault against a minor, kidnapped and molested eight-year-old Sasha Groene, after molesting and murdering her brother Dylan and killing the rest of the family.

In California, you may recall that in 1993, 12-year-old Polly Klaas was abducted from her bedroom where she had been hosting a sleepover with her girlfriends. Her abductor, Richard Allen Davis, had been released from prison after serving half of a 16-year sentence for robbing and pistol whipping an earlier victim, in what was his second kidnapping conviction. Within three months of being released, he abducted, raped and murdered Polly. He even bragged to his cell mates that when he was released from jail he would avoid contracting AIDS by "getting a young one."

Sadly, these are just three of the thousands of examples in which repeat sex offenders have the ability to re-offend. But had there been more stringent sentencing penalties and strictly monitored registration requirements, both Couey and Duncan might have been prevented.

We cannot wait for the next piece of legislation named after yet another murdered or molested child. We appreciate the committee's willingness to hear our arguments in support of Jessica's Law and look forward to working together to prevent another community, another family, and another child from enduring such tragedy.